

PS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL BONANO,

Plaintiff,

v.

JOHN DOE #1 Control Booth C.O., JOHN
DOE #2 Control Booth C.O.,

Defendants.

ORDER

20-CV-6897 EAW

The *pro se* plaintiff, Michael Bonano (“Plaintiff”), commenced this proceeding pursuant to 42 U.S.C. § 1983. (Dkt. 1). On April 4, 2023, the Court, among other things, denied without prejudice Plaintiff’s requests for an extension of time to file an amended complaint and for a stay of this action (Dkt. 9; Dkt. 10), finding that they failed to comply with the Western District of New York’s Local Rules of Civil Procedure governing motion practice. (Dkt. 11 at 3 & n.2). Both denials were without prejudice to refiling the requests in procedurally proper motions. (*Id.*). On May 24, 2023, at the Court’s request, the Clerk’s Office sent Plaintiff a copy of the Western District of New York’s Local Rules of Civil Procedure.

Plaintiff has filed a letter dated June 17, 2023, stating that he has “not been able to re-compile said motion and review; absorb and incorporate said [Local] [R]ules [of Civil Procedure] and [the Court’s] Order’s specifications” because he has “been embroiled in formulating filings in preparation for a June 29 criminal court hearing. . . .” (Dkt. 16 at 1).

For that reason, he requested a thirty-day extension of time “to compile and file the motion [the Court] granted [him] leave to file in [the Court’s] previous written order and opinion.”

Id.

Plaintiff is mistaken insofar as he believes that he requires an extension of time to file renewed motions for leave to file an amended complaint and for a stay. The Court’s April 4, 2023 order did not impose a thirty-day deadline on Plaintiff’s filing of his renewed motions. The only deadline imposed in that order related to the New York Attorney General’s obligation to file a *Valentin* response. (Dkt. 11 at 3).

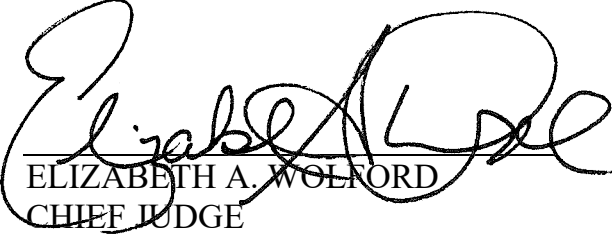
Accordingly, Plaintiff’s motion for an extension of time to file (Dkt. 16) is denied as unnecessary. *See, e.g., Mears v. Montgomery*, 512 F. App’x 100, 103 (2d Cir. 2013) (affirming district court’s denial of appellant’s motion for an extension of time to file a notice of appeal on the grounds that the motion was unnecessary); *Reeder v. Bell*, No. 915CV1078MADTWD, 2016 WL 11672005, at *1 (N.D.N.Y. Mar. 8, 2016) (denying, as unnecessary, plaintiff’s request for an extension of time to amend his complaint in light of a previously issued scheduling order setting a deadline for the amendment of pleadings three months in the future). The Clerk of Court will be directed to send Plaintiff two copies of the Court’s *Pro Se* Motion Form and one copy of the *Pro Se* Prisoner Complaint Form to use in preparing his motions for leave to file an amended complaint and for a stay.

ORDER

It is hereby ORDERED that Plaintiff’s motion for an extension of time to file a motion for leave to file an amended complaint and for a stay (Dkt. 16) is DENIED as unnecessary; and it is further

ORDERED that the Clerk of Court shall send to Plaintiff, along with a copy of this order, two (2) copies of the Court's *Pro Se* Motion Form and one (1) copy of the *Pro Se* Prisoner Complaint Form for his use in preparing his renewed motions for leave to file an amended complaint and for a stay.

SO ORDERED.



ELIZABETH A. WOLFORD
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: October 2, 2023
 Rochester, New York